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MAILED
SEP 10 2010
OFFICE OF PETITIONS

In re Patent No. 7629308	:	DECISION ON REQUEST
Williams al.	:	FOR
Issue Date: 12/08/2009	:	RECONSIDERATION OF
Application No. 09/782,953	:	PATENT TERM ADJUSTMENT
Filed: 02/13/2001	:	and
Atty Docket No.	:	NOTICE OF INTENT TO ISSUE
UTSD:674US/SLH	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on May 19, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted, by two thousand forty-six (2046) days. For the reasons stated below, the petition is treated as a petition requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted, by one thousand one hundred thirty-one (1131) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand one hundred thirty-one (1131) days is **GRANTED to the extent indicated herein.**

As to the "B" delay, the period is the period beginning on February 14, 2004, the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) and ending on December 8, 2009, the date the

application issued as a patent, or 2125 days. See, 35 U.S.C. 154(b)(1)(C)(iii). Any time consumed by appellate review, however, is not included in the calculation of 37 CFR 1.702(b). See 35 U.S.C. 154(b)(1)(B)(ii). On February 24, 2004, a notice of appeal was filed. On August 26, 2004, 185 days after the date the notice of appeal was filed, a non-final Office action was mailed. On July 22, 2005, a notice of appeal was filed. On December 4, 2006, 501 days after the notice of appeal was filed, a non-final Office action was mailed. On December 6, 2007, a notice of appeal was filed. On July 21, 2008, 229 days after the notice of appeal was filed, a notice of allowance was mailed. Accordingly, the excluded period for appellate review is 915 (185 + 501 + 229) days, and the "B" delay period is 1210 (2125 - 915) days.

The patent term adjustment at the time of issuance of the patent is 1131 (172 days of Office delay + 1210 days of over three years delay - 251 days of applicant delay) days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See 37 CFR 1.323(a)(4).

No additional fees are required. The \$200.00 fee submitted with the petition will be refunded to counsel's credit card.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by one thousand one hundred thirty-one **(1131)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D Wood", with a long horizontal stroke extending to the right.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,629,308 B2

DATED : Dec. 8, 2009

DRAFT

INVENTOR(S) : Williams et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1874 days.

Delete the phrase "by 1874 days" and insert – by 1131 days--